

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEBBIE ANN BROMFIELD-THOMPSON,

Plaintiff,

v.

AMERICAN UNIVERSITY OF ANTIGUA/
MANIPAL EDUCATION AMERICAS, LLC,
aka GCLR, LLC et al.,

Defendant.

No. 19-CV-06078 (JMF)

DECLARATION OF CHERI M. KERSHEN

I, Cheri M. Kershen, hereby declare:

1. I am the Manager of Test Administration Medical School Services at the National Board of Medical Examiners (“NBME”). I am over 18 years of age and, unless otherwise stated, have personal knowledge of the facts set forth below.

2. I submit this declaration in support of NBME’s Motion to Dismiss Plaintiff Debbie Ann Bromfield-Thompson’s Complaint.

3. NBME is a private, not-for-profit organization located in Philadelphia, Pennsylvania. It is incorporated in Washington, D.C.

4. NBME co-sponsors the United States Medical Licensing Examination (USMLE) program. The USMLE is a standardized examination used to evaluate applicants’ competence for medical licensure. The USMLE consists of a series of “Step” exams taken at different times during an individual’s medical education process: Step 1, Step 2 (consisting of the Step 2 Clinical Knowledge exam (Step 2 CK) and the Step 2 Clinical Skills exam (Step 2 CS)), and Step 3.

5. NBME separately develops and sells standardized subject examinations for use as assessment tools by medical educators. Medical schools and other institutions that utilize these subject examinations choose the subject examinations they will order and set individual policies and procedures for when the examinations will be taken, who takes the examinations, and how the institution will use the scores.

6. Subject examinations are not available to the general public and NBME does not sell subject examinations to individuals. Most of the institutions who use subject examinations are medical schools and medical residency programs, which usually administer the subject examinations at their schools. Institutions may also opt to have their subject examinations administered at a test center run by Prometric, Inc., a third-party vendor.

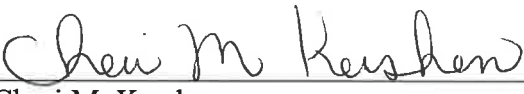
7. If an examinee seeks disability-based testing accommodations on a subject examination, the examinee's institution, not NBME, determines whether any accommodations are warranted, decides what specific accommodations may be reasonable for a particular examinee, and bears all costs associated with any such accommodation.

8. The Comprehensive Clinical Science Examination ("CCSE") is an NBME subject examination. It is an achievement test covering material typically learned during basic science education and core clinical clerkships. It covers topics similar to those found on the USMLE Step 2 CK examination and it is my understanding that it is often used by medical schools to identify students' strengths and weaknesses prior to taking the USMLE.

9. The USMLE Step examinations and the NBME subject examinations are administered throughout the United States.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 11, 2019.


Cheri M. Kershen